

House Democrats supply votes to block limits on NSA spying

By Niles Niemuth
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The US House of Representatives voted 256 to 164 Thursday to reauthorize the National Security Agency's global warrantless surveillance operations for another six years without any significant limitations.

Sixty-five Democratic representatives joined 191 Republicans to ensure the continuation of Section 702 of FISA (Foreign Intelligence Surveillance Act), which allows for the warrantless collection of electronic communications of individuals outside the US and their contacts, including American citizens within the US. The NSA uses Section 702 to scoop up millions of emails, text messages and video chats with the connivance of Google, Facebook, Yahoo, AT&T and other Internet giants.

While foreigners are ostensibly the targets, the program collects massive amounts of data on American citizens. The law gives the FBI warrantless access to search through this treasure trove of data, which the NSA collects in criminal and so-called national security investigations.

The vast program of unconstitutional domestic, as well as international, NSA spying was first exposed in 2013 by former NSA contractor Edward Snowden. Among those Democrats ensuring that the Trump administration maintained the full scope of surveillance powers were House Minority Leader Nancy Pelosi, former Democratic National Committee Chairperson Debbie Wasserman-Schultz and House Intelligence co-chair and the bill's co-sponsor, Adam Schiff.

Prior to the final vote, 55 Democrats helped torpedo an amendment, put forward by Michigan Republican Representative Justin Amash, which would have placed limited curbs on the way data collected by the US government can be used, requiring the Federal Bureau of Investigation to obtain a warrant before collecting

information on American citizens from the NSA database.

Pelosi spoke from the House floor to denounce the amendment and encourage her colleagues to vote against it, earning praise from Republican House Speaker Paul Ryan. "I want to thank [Pelosi] for coming up and speaking against the Amash amendment and in favor of the underlying bipartisan [bill]," Ryan stated. Pelosi also played a crucial role in 2013, in the immediate aftermath of the Snowden revelations, in quashing an earlier attempt by Amash to limit the NSA's surveillance powers.

After Thursday's reauthorization vote, Schiff, who is the most vocal Democratic lawmaker in the right-wing campaign against alleged Russian "meddling," told reporters that any efforts to place limits on Section 702 surveillance would be "a crippling requirement in national security and terrorism cases."

The bipartisan effort to maintain Section 702 makes clear the fundamental agreement between the Democrats and Republicans on the authority of the government to spy on the communications of everyone in the world, including American citizens, without any limit. This is in direct contravention of the Fourth Amendment to the US Constitution, which prohibits "unreasonable searches and seizures" and requires a warrant, based on "probable cause," for any government intrusion into the "persons, houses, papers and effects" of "the people."

Thursday's vote closes the door on the possibility of any restrictions on the government's illegal surveillance operations. The Democratic Party's support ensures that the illegal surveillance program that began under George W. Bush and was expanded by Obama will pass unscathed into the hands of Donald Trump.

Reporting the vote, the Democratic Party-aligned *New York Times* wrote approvingly: “Effectively, the vote was almost certainly the end of a debate over 21st-century surveillance and privacy rights that broke out in 2013 after the leaks by the former NSA contractor Edward J. Snowden.”

The bill now goes to the Senate, where it is expected to pass easily before the January 19 expiration date with the aid of prominent Democrats, including Virginia Senator Mark Warner, co-chair of the Intelligence Committee and a leading proponent of Internet censorship and the anti-Russia campaign.

“Congress has made clear that it is lawful to search using US person identifiers for information that could help stop terror attacks and catch spies without a warrant,” Matthew Olsen, a former general counsel for the NSA and former director of the National Counterterrorism Center told the *New York Times* in praise of the House vote. “That is the way the intelligence community has been operating under 702, and that is the way it will continue to operate if this bill becomes law.”

There was some confusion prior to the House vote, when Trump asserted in a tweet that the FISA Act may have been used to spy on his 2016 election campaign. “This is the act that may have been used, with the help of the discredited and phony dossier, to so badly surveil and abuse the Trump campaign by the previous administration and others?” the president tweeted early Thursday morning.

Gen. Michael Flynn, who backed Trump during the campaign and briefly served as his national security advisor, had his communications with the Russian ambassador picked up in the course of an NSA spying operation. Trump previously declared that the Obama administration used its surveillance powers to wiretap Trump Tower in New York City during the election campaign.

After a scramble by aides to clarify his tweet, Trump issued an endorsement of the reauthorization of Section 702, declaring “[T]oday’s vote is about foreign surveillance of foreign bad guys on foreign land. We need it! Get smart!”

Retired General John Kelly, the White House chief of staff, was quickly dispatched to Capitol Hill to personally lobby concerned lawmakers prior to the vote and whip into line any who may have been swayed by

Trump’s initial tweet.

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